

Fee Protection Policy

1 Purpose

This policy details the fee protection mechanisms in place in circumstances where Sunraysia Institute of TAFE is unable to provide services for which the student has prepaid.

2 Scope

This policy applies to all Institute staff involved in the enrolment of both domestic and international students enrolled at the Institute.

3 Policy

3.1 The Institute will ensure that the rules of government funded or subsidised programs are met and that fees are clearly disclosed to students and clients, as per the Institute's Fees and Charges Policy.

3.2 Domestic Students

Sunraysia Institute of TAFE is under interim arrangements for Tuition Assurance, as per correspondence from the Department of Education and Training dated 10th November 2017.

Detailed in this arrangement are two interim exemptions stating obligations of the provider for Tuition Assurance for TAFE VET Student Loan (VSL) and VET FEE-HELP (VFH) Providers.

VSL/VFH Statement of VET Tuition Assurance are located on the Institute website under Statement of VET Tuition Assurance.

3.3 International Students

Under the Tuition Protection Service (TPS) framework, the Institute has a statutory obligation to report to the TPS Director and the Secretary about any provider and student defaults.

These requirements do not override obligations and requirements of the *Education Services for Overseas Students Act 2000*.

3.3.1 Provider default

Under the ESOS Act, the Institute is deemed to have defaulted if;

- the Institute fails to start providing the course to the student at the location and on the agreed starting day; or

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Authorised by: Board

Endorsed by: Governance Committee

Next review date: 29/01/2022

Maintained by: General Manager, Corporate Services

Policy number: Current

Original issue: 29/09/2015

Last review date: 29/01/2019

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- the course starts but before it is completed, the Institute ceases to provide the course to the student at the location, and the student has not withdrawn from the course before the default day.
- 3.3.1.1 The Institute is required to notify the Secretary and TPS Director (Via PRISMs) of the default within three (3) business days of the default occurring. Relevant students must also be notified. These notices must be in writing and meet the requirements of section 46B of the ESOS Act.
- 3.3.1.2 The Institute will have 14 days after the default occurs to satisfy tuition protection obligations to the student.
- 3.3.1.3 The Institute will give notice to the secretary and TPS Director (via PRISMS) within seven (7) days after the end of the obligation period of the outcome of the discharge of obligations.

3.3.2 Student default

The Institute will enter into a written agreement with each overseas student or intending overseas student that sets out the refund requirements that apply if the student defaults; and meets any requirements set out in the national code. Refer to the International Student Fees Payment Terms Policy.

If an overseas student or intending overseas student defaults, in relation to a course at a location, then:

- the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- the student withdraws from the course at the location (either before or after the agreed starting day); or
- the Institute refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:
 - the student failed to pay an amount payable to the provider for the course;
 - the student breached a condition of his/her student visa;
 - misbehaviour by the student (**Note:** the student is entitled to natural justice under subsection 47A (3) of the ESOS Act).

3.3.2.1 The Institute will notify the Secretary and TPS Director (Via PRISMS) of the student default within five (5) business days of the default occurring. This notice must be in writing.

3.3.2.2 If a student or intending student defaults the Institute must provide a refund. Refer to the International Student Fees Payment Terms Policy.

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3.3.2.3 The refund must be paid within the period of four (4) weeks after the default.

3.3.2.4 The Institute will notify the Secretary and TPS Director (Via PRISMS) of the outcome of the discharge of obligations within seven (7) days after the end of the obligation period.

4 Definitions

Acronym/Term	Definition
ASQA	Australian Skills Quality Authority
ESOS	Educational Services for Overseas Students
PRISMS	Provider Registration and International Students Management System
TAS	Tuition Assurance Scheme
Threshold amount	Prepaid fees above \$1500.
TPS	Tuition Protection Service (International Students)
VET	Vocational Education and Training
VET FEE-HELP	An income contingent loan scheme for the Vocational Education and Training sector that is part of the Higher Education Loan Program (HELP).
VET Tuition Assurance	A form of student protection which ensures that if a provider ceases to provide a VET course of study, all eligible students enrolled in the course are able to either receive payment equivalent to any VET tuition fees paid for undelivered units or enrol in a similar course with another RTO (refer Statement of VET Tuition Assurance).

5 Legislative Context

- Education Services for Overseas Students Act 2000
- Higher Education Support Act 2003
- Education and Training Reform Act 2006
- Standards for Registered Training Organisations (RTOs) 2015
- VET FEE-HELP

6 Associated documents

6.1.1 Associated Policies

- Refund of Course Fees Policy
- Fees and Charges Policy
- International Student Fees Payment Terms Policy
- International Student Fee Refund Policy
- Enrolment Policy.

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6.1.2 Associated Procedures

- Fees, Charges and Payments Procedure
- International Student Fee Refund Procedure
- Refund of Course Fees Procedure
- Enrolment Procedure
- VET FEE-HELP Student Review Procedure.

6.1.3 Associated Forms

- Nil.

6.1.4 Other associated documents

- Statement of VET Tuition Assurance
- Victorian Training Guarantee – Guidelines about Fees
- 2014-2016 VET Funding Contract (TAFE) - VTG.

7 Responsibility

The General Manager, Education is responsible for ensuring compliance with this policy, and its associated procedures and systems.

8 Review Frequency

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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